

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2021, Legislative Day No. 12

Bill No. 76-21

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Mr. Julian E. Jones, Jr., Chairman

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By the County Council, July 6, 2021

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A BILL  
ENTITLED

AN ACT concerning

Zoning Regulations – Cemeteries and Burial Grounds

FOR the purpose of permitting Natural Burial Grounds, including Conservation Burial Grounds, as an Alternative Burial Ground in certain areas of the County; providing for a certain type of Natural Burial Ground known as a Conservation Burial Ground; defining and re-defining certain terms; providing certain conditions applicable to Natural Burial Grounds and a Conservation Burial Ground; and generally relating to Alternative Burial Grounds.

BY repealing and re-enacting, with amendments

Section 101.1, the definition of “Conservation Burial Ground,” and  
Sections 1A09.3.B.9 and 401  
Baltimore County Zoning Regulations, as amended

BY adding

Section 101.1, the definition, alphabetically, of “Natural Burial Ground,” and  
Section 1A07.3.B.17  
Baltimore County Zoning Regulations, as amended

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter stricken from existing law.  
~~Strike out~~ indicates matter stricken from bill.  
Underlining indicates amendments to bill.

1           SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE  
2 COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

4                           ARTICLE 1 – GENERAL PROVISIONS

5                                   Section 101 – Definitions

7       § 101.1. Word usage; definitions.

8           Words used in the present tense include the future; words in the singular number include  
9 the plural number; the word "shall" is mandatory. For the purposes of these regulations, certain  
10 terms and words are defined below.

11          Any word or term not defined in this section shall have the ordinarily accepted definition  
12 as set forth in the most recent edition of Webster's Third New International Dictionary of the  
13 English Language, Unabridged.

14          Conservation Burial Ground – A TYPE OF NATURAL BURIAL AS THAT TERM IS  
15 DEFINED IN THESE REGULATIONS IN WHICH A [Any] property[,] IS permanently  
16 protected under a conservation easement[, intended for use for the burial or permanent  
17 disposition of the remains of the dead, utilizing natural burial methods and biodegradable  
18 materials that permit the body to return naturally to the earth] AND OPERATES IN  
19 ACCORDANCE WITH SECTIONS 401.2 AND 401.2.1 OF THESE REGULATIONS.

20          NATURAL BURIAL GROUND – A PROPERTY INTENDED FOR USE FOR THE  
21 BURIAL OR PERMANENT DISPOSITION OF THE REMAINS OF THE DEAD, UTILIZING  
22 NATURAL BURIAL METHODS AND BIODEGRADABLE MATERIALS THAT PERMIT  
23 THE BODY TO RETURN NATURALLY TO THE EARTH. A NATURAL BURIAL

GROUND THAT OPERATES IN ACCORDANCE WITH SECTION 401.2 OF THESE  
REGULATIONS, THEREBY CAUSING LITTLE OR NO DISTURBANCE TO THE  
PROPERTY UPON WHICH IT IS LOCATED, SHALL NOT CONSTITUTE  
DEVELOPMENT.

## ARTICLE 1A – RESOURCE CONSERVATION ZONES

### Section 1A07 – R.C.6 (Rural Conservation and Residential) Zone

#### § 1A07.3. Permitted uses.

B. Uses permitted by special exception. The following uses only may be permitted by  
special exception in an R.C.6 Zone:

17. NATURAL BURIAL GROUND (SUBJECT TO SECTION 401.2), ONLY  
IF LOCATED WITHIN THE BOUNDARIES OF THE PATAPSCO/GRANITE AREA  
COMMUNITY PLAN AS ADOPTED BY THE COUNTY COUNCIL ON DECEMBER 21,  
1998.

### Section 1A09 – R.C.8 (Environmental Enhancement) Zone

#### § 1A09.3. Permitted Uses.

B. Uses permitted by special exception. The following uses only are permitted by  
special exception in an R.C.8 Zone:

9. Conservation Burial Ground (See [Section] SECTIONS 401.2 AND 401.2.1).

1 ARTICLE 4 – SPECIAL REGULATIONS

2 SECTION 401 – Cemeteries AND ALTERNATIVE BURIAL GROUNDS

3  
4 § 401.1. Setback; screening.

5 The Zoning Commissioner or the Board of Appeals, on appeal, may require a minimum  
6 setback from any property line for any building, structure, grave or place of temporary or  
7 permanent burial, and may require such walls, fences and/or planting of shrubbery, trees or vines  
8 as may be reasonable and proper to afford adequate screening.

9  
10 [§ 401.1.1. Conservation burial ground] § 401.2. NATURAL BURIAL GROUND.

11 [A conservation burial ground is permitted subject to the following conditions:

12 A. A conservation burial ground shall be designed, operated, and maintained in a manner  
13 that produces a natural appearance, by using plants and materials native to the region and  
14 landscape patterns derived from and compatible with regional ecosystems.

15 B. The land on which a conservation burial ground is located shall be subject to a  
16 permanent conservation easement with a qualified land trust. A minimum tract of 60 acres is  
17 required. Buildings or structures on the property are subject to the easement limitations. Fences  
18 are not permitted, except in connection with an agricultural use.

19 C. Memorial grave markers may not be raised above the ground. Markers shall consist  
20 of natural and native materials that will not impede the natural landscape.

21 D. A maximum of 100 burials per acre is permitted.

22 E. A conservation burial ground shall comply with all requirements of state law,  
23 including the registration requirements of Title 5, Subtitle 3 of the Business Regulation Article of

1 the Annotated Code of Maryland.

2 F. The owner of a conservation burial ground shall record in the land records of  
3 Baltimore County a record plat of the boundaries of the areas to be used for burial as approved  
4 by the Department of Permits, Approvals and Inspections and the Department of Environmental  
5 Protection and Sustainability. The record plat shall depict the existence of the conservation  
6 easement that complies with the requirements of Section 14-121 of the Real Property Article of  
7 the Annotated Code of Maryland.

8 G. The owner of land on which a conservation burial ground is to be located shall, at the  
9 time of application for the special exception, submit to the Department of Environmental  
10 Protection and Sustainability a hydrogeologic study completed by a hydrogeologist, or similarly  
11 qualified consultant, that includes the following:

12 1. A scaled site plan showing the proposed location of the areas to be used for  
13 burial, property boundaries, topography, water bodies, USDA soil type, existing and proposed  
14 wells and septic systems on and within 200 feet of the property line, and existing and proposed  
15 structures on and within 200 feet of the property line; and

16 2. A determination of the depth to bedrock and depth and flow direction of  
17 groundwater beneath the area proposed as a burial ground; and

18 3. An assessment of proposed burial practices and the potential impacts of buried  
19 remains on groundwater quality, surface water quality, and domestic water supplies in relation to  
20 human health and the environment; and

21 4. Recommendations as to the appropriate number, and the location and  
22 placement, of burial sites on the land based on the findings in Paragraphs G.1, 2 and 3.

23 H. The Director of the Department of Environmental Protection and Sustainability shall

1 adopt regulations to administer and enforce the provisions of this section, including but not  
2 limited to consideration of potential impacts to human health and the environment related to a  
3 conservation burial ground.]

4 A NATURAL BURIAL GROUND IS PERMITTED SUBJECT TO THE FOLLOWING  
5 CONDITIONS:

6 A. A NATURAL BURIAL GROUND SHALL BE DESIGNED, OPERATED, AND  
7 MAINTAINED IN A MANNER THAT PRODUCES A NATURAL APPEARANCE, BY  
8 USING PLANTS AND MATERIALS NATIVE TO THE REGION AND LANDSCAPE  
9 PATTERNS DERIVED FROM AND COMPATIBLE WITH REGIONAL ECOSYSTEMS.

10 B. A NATURAL BURIAL GROUND SHALL BE LOCATED ON A MINIMUM  
11 TRACT OF 150 ACRES IN SINGLE OWNERSHIP.

12 C. MEMORIAL GRAVE MARKERS MAY NOT BE RAISED ABOVE THE  
13 GROUND. MARKERS SHALL CONSIST OF NATURAL AND NATIVE MATERIALS  
14 THAT WILL NOT IMPEDE THE NATURAL LANDSCAPE.

15 D. THE MAXIMUM OVERALL DENSITY SHALL BE 500 BURIALS PER ACRE.  
16 IN CERTAIN AREAS WHERE BURIAL MAY NOT OCCUR DUE TO SENSITIVE AREA  
17 ANALYSIS, BURIAL DENSITY MAY BE TRANSFERRED TO A LESS RESTRICTED  
18 AREA IN WHICH BURIAL DENSITY SHALL NOT EXCEED 600 BURIALS PER ACRE.

19 E. A NATURAL BURIAL GROUND SHALL COMPLY WITH ALL  
20 REQUIREMENTS OF STATE LAW, INCLUDING THE REGISTRATION REQUIREMENTS  
21 OF TITLE 5, SUBTITLE 3 OF THE BUSINESS REGULATION ARTICLE OF THE  
22 ANNOTATED CODE OF MARYLAND.

23 F. THE OWNER OF A NATURAL BURIAL GROUND SHALL FILE A

1 DOCUMENTED SITE PLAN OF THE BURIAL GROUND WITH THE DEPARTMENT OF  
2 PERMITS, APPROVALS AND INSPECTIONS, INDICATING AREAS WHERE BURIALS  
3 ARE PERMITTED.

4 G. THE OWNER OF LAND ON WHICH A NATURAL BURIAL GROUND IS TO BE  
5 LOCATED SHALL, AT THE TIME OF APPLICATION FOR THE SPECIAL EXCEPTION,  
6 SUBMIT TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND  
7 SUSTAINABILITY A HYDROGEOLOGIC STUDY COMPLETED BY A PROFESSIONAL  
8 HYDROGEOLOGIST, OR SIMILARLY QUALIFIED CONSULTANT, THAT INCLUDES  
9 THE FOLLOWING:

10 1. A SCALED SITE PLAN SHOWING THE PROPOSED LOCATION OF THE  
11 AREAS TO BE USED FOR BURIAL, PROPERTY BOUNDARIES, TOPOGRAPHY,  
12 WATER BODIES, USDA SOIL TYPE, EXISTING AND PROPOSED WELLS AND SEPTIC  
13 SYSTEMS ON AND WITHIN 200 FEET OF THE PROPERTY LINE, AND EXISTING AND  
14 PROPOSED STRUCTURES ON AND WITHIN 200 FEET OF THE PROPERTY LINE;

15 2. A DETERMINATION OF THE DEPTH TO BEDROCK AND DEPTH AND  
16 FLOW DIRECTION OF GROUNDWATER BENEATH THE AREA PROPOSED AS  
17 BURIAL GROUND;

18 3. AN ASSESSMENT OF PROPOSED BURIAL PRACTICES REGARDING  
19 THE POTENTIAL IMPACTS OF BURIED REMAINS ON GROUNDWATER QUALITY,  
20 SURFACE WATER QUALITY, AND DOMESTIC WATER SUPPLIES IN RELATION TO  
21 HUMAN HEALTH AND THE ENVIRONMENT; AND

22 4. RECOMMENDATIONS AS TO THE APPROPRIATE NUMBER, AND  
23 THE LOCATION AND PLACEMENT, OF BURIAL SITES ON THE LAND BASED ON THE

1 FINDINGS IN PARAGRAPHS G. 1, 2, AND 3.

2 H. A NATURAL BURIAL GROUND MAY INCLUDE A ONE STORY BUILDING  
3 WITH PRIVATE UTILITIES, NOT TO EXCEED 800 SQUARE FEET IN SIZE WHICH MAY  
4 INCLUDE A RESTROOM FACILITY.

5 I. ANY NATURAL BURIAL GROUND THAT IS LOCATED WITHIN AN AREA  
6 DESIGNATED IN THE BALTIMORE COUNTY MASTER PLAN AS A RECREATIONAL  
7 GREENWAY SHALL CONVEY TO THE COUNTY A PEDESTRIAN WALKWAY  
8 EASEMENT ACROSS ITS PROPERTY. THE PEDESTRIAN WALKWAY EASEMENT  
9 SHALL BE NO WIDER THAN 100 FEET AND MAY FOLLOW AN EXISTING STREAM  
10 TO THE EXTENT PRACTICABLE.

11 J. THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION  
12 AND SUSTAINABILITY SHALL ADOPT REGULATIONS TO ADMINISTER AND  
13 ENFORCE THE PROVISIONS OF THIS SECTION INCLUDING, BUT NOT LIMITED TO,  
14 CONSIDERATION OF POTENTIAL IMPACTS TO HUMAN HEALTH AND THE  
15 ENVIRONMENT RELATED TO NATURAL BURIAL GROUNDS.

16  
17 § 401.2.1. CONSERVATION BURIAL GROUND.

18 A CONSERVATION BURIAL GROUND IS PERMITTED AND SHALL COMPLY  
19 WITH SECTION 401.2 OF THESE REGULATIONS, AND SHALL ALSO BE SUBJECT TO  
20 THE FOLLOWING CONDITIONS WHICH SHALL CONTROL IF DIFFERENT THAN AS  
21 SET FORTH IN SECTION 401.2:

22 A. THE LAND ON WHICH A CONSERVATION BURIAL GROUND IS  
23 LOCATED SHALL BE SUBJECT TO A PERMANENT CONSERVATION EASEMENT

1 WITH A QUALIFIED LAND TRUST.

2 B. A CONSERVATION BURIAL GROUND SHALL BE LOCATED ON A  
3 MINIMUM TRACT OF 60 ACRES.

4 C. BUILDINGS OR STRUCTURES ON THE PROPERTY ARE SUBJECT TO  
5 THE CONSERVATION EASEMENT LIMITATIONS.

6 D. FENCES ARE NOT PERMITTED, EXCEPT IN CONNECTION WITH AN  
7 AGRICULTURAL USE.

8 E. THE MAXIMUM OVERALL DENSITY SHALL BE 100 BURIALS PER  
9 ACRE.

10 F. THE OWNER OF A CONSERVATION BURIAL GROUND SHALL  
11 RECORD IN THE LAND RECORDS OF BALTIMORE COUNTY A RECORD PLAT OF  
12 THE BOUNDARIES OF THE AREAS TO BE USED FOR BURIAL AS APPROVED BY THE  
13 DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS AND THE  
14 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY. THE  
15 RECORD PLAT SHALL DEPICT THE EXISTENCE OF THE CONSERVATION  
16 EASEMENT THAT COMPLIES WITH THE REQUIREMENTS OF SECTION 14-121 OF  
17 THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

18  
19 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by  
20 the affirmative vote of five members of the County Council, shall take effect on August 16,  
21 2021.